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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,761	07/01/2003	Madonna M. Ray	P6205US	2152
30173	7590	01/11/2007		
GENERAL MILLS, INC. P.O. BOX 1113 MINNEAPOLIS, MN 55440			EXAMINER TRAN LIEN, THUY	
			ART UNIT	PAPER NUMBER
			1761	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/11/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/611,761	<b>Applicant(s)</b> RAY ET AL.	
	<b>Examiner</b> Lien T. Tran	<b>Art Unit</b> 1761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 October 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) 19-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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Applicant's election without traverse of Group I claims 1-18 in the reply filed on 10/23/06 is acknowledged.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pulver et al in view of the book "Breads".

Pulver et al disclose a dough intermediate and process of making it. The dough pieces include a cut on the surface of the dough pieces and plasticizing fluid such as oil or margarine or butter is sprayed on the dough pieces. The cut is through the skins of the proofed dough pieces exposing the interiors thereof. In subsequent baking, the top skin is baked to form a crust which is of darker color than the interior surfaces. Such slit dough pieces are highly decorative and desirable in the market place. ( see col. 1 lines 30-56, col. 5 lines 1-5, col. 6 lines 48-50)

Pulver et al do not disclose the BSV of the product, the extend of the cut, partially baking before distribution, the temperature of baking and the method of baking.

The book " Breads" teaches various way is which dough is cut, shaped, stamped, slit etc. to create various configuration and design such as lobe, crown etc... The book also teaches to brush the dough with butter for a velvety finish.

Pulver et al are silent about forming lobes, section or sections. However, they do teach slitting the dough which will give crown, section or portion as shown by the cookbook. Furthermore, it would have been obvious to cut, slit, stamp etc.. the dough depending on the design wanted. Such parameter is notoriously well known in the art as exemplified in the teaching of the cookbook. Since the dough pieces are sprayed with butter, oil or margarine, it is obvious the properties of increasing fluidity and restricting dehydration will occur. The BSV volume varies depending on the type of dough and the texture wanted. It would have been obvious to one skilled in the art to determine the optimum BSV for the particular dough made. It would have been to vary the depth of the cut depending on the configuration wanted. This can readily be determined by one skilled in the art. It would have been obvious to partially bake the dough pieces when one wanting to make a par-baked product to quicken the processing time before consumption. Such product is notoriously well known in the art. It would have been obvious to one skilled in the art to determine the appropriate baking temperature and the baking method because baking of dough product is notoriously well known in the art. The forming of the dough pieces inherently involves the steps cited in claim 12. It would have been obvious to coat the baked dough pieces with

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butter or oil to enhance the taste and flavor of the product. This is notoriously well known in the art as one commonly spreads butter or oil on bread after baking.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Geng et al disclose a method of extruding bread dough and products thereof.

Tangprasertchai et al disclose a refrigerated extended shelf-life bread products.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lien T. Tran whose telephone number is 571-272-1408. The examiner can normally be reached on Monday, Wednesday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cano Milton can be reached on 571-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

January 8, 2007

  
LIEN TRAN  
PRIMARY EXAMINER  
